PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P18621	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/001418	International Filing Date *(day/month/year)* 24 October 2003	Priority Date *(day/month/year)* 24 October 2002

International Patent Classification (IPC) or national classification and IPC

Int. Cl.[7] G06F 17/40, H04L 12/26

Applicant

IDEADATA GROUP PTY LTD et al

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand	Date of completion of the report
24 May 2004	22 February 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer **DALE SIVER** Telephone No. (02) 6283 2196

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/AU2003/001418

I. Basis of the report

1. With regard to the **elements** of the international application:*

[X] the international application as originally filed.

[ ] the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of

[ ] the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of

[ ] the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of

[ ] the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language which is:

[ ] the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

[ ] the language of publication of the international application (under Rule 48.3(b)).

[ ] the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

[ ] contained in the international application in written form.

[ ] filed together with the international application in computer readable form.

[ ] furnished subsequently to this Authority in written form.

[ ] furnished subsequently to this Authority in computer readable form.

[ ] The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

[ ] The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. [ ] The amendments have resulted in the cancellation of:

[ ] the description, pages

[ ] the claims, Nos.

[ ] the drawings, sheets/fig.

5. [ ] This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).*

** *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report*

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Statement

Novelty (N)	Claims 3, 4, 6-13, 16, 17, 19-26	YES
	Claims 1, 2, 5, 14, 15, 18	NO
Inventive step (IS)	Claims 6,7,12,13,19,25,26	YES
	Claims 1-5, 8-11,14-18,20-24	NO
Industrial applicability (IA)	Claims 1-26	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

D1 WO 01/01272 A2 (APPTITUDE INC.) 4 January 2001
D2 US 6240452 B1 (WELCH, Jr. et al.) 29 May 2001
D3 SHAH D. et al. "Analysis of a statistics counter architecture" Hot Interconnects August 2001

Novelty (N)

D1 is the closest prior art located in the search. Claim 1 is directed at a method of recording a transfer of a piece of data. D1 is a network based traffic flow monitor. In D1 is disclosed a method of recording traffic flows based on examining content of the packets. After a particular conversational flow is identified the same flow is represented using a signature (or key) for other packets which are part of the same flow (see page 11 lines 13-24). Claim 1 lacks novelty in light of D1. The traffic monitor of D1 is able to examine packets at any layer in the protocol stack, from physical layer to application layer. Claims 1,2,5,14,15,18 lack novelty in light of D1. The amount of flow data for a particular conversational flow is recorded in a database as a primary use of the method and apparatus of D1.

D2 is more narrowly focussed on file transfers and logical connections. The method of D2 includes monitoring file transfers in a computer network. The particular packets and a byte count are recorded in a database (see figure 5, 8B and other passages identified in the ISR). Claims 1,2,14,15 lack novelty in light of D2.

Inventive step (IS)

D1 discloses using a hash function applied to a piece of the data (see page 12 lines 27-30, page 13 lines 19-22) corresponding to the method of claim 3 and 16. Claims 3 and 16 lack an inventive step when D1 is combined with well known techniques for database look-ups using hash functions. It would be obvious to apply such techniques to traffic flow monitoring, particularly to solve the problem of minimising the amount of storage required to collect traffic flow data, and to speed look-up of such recorded information.

Claims 4 and 17 lack an inventive step when D1 is combined with D3.

Claims 8-11, 20-24 lack an inventive step when D1 is combined with D2. Adding time or date stamps to traffic flow statistics and/or using temporal parameters for filtering the recorded data is common in the art.

Industrial applicability (IA)

The present claims have industrial application (eg. in recording traffic flows over a communications network).